

Ronald E. Stadtmueller (140720)  
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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re:  
ERIC WARREN LANDOLT,  
Debtor.

) Case No.: 10-16725-LA7  
) Chapter 7  
) NOTICE OF MOTION AND MOTION TO  
) COMPEL COOPERATION AND  
) TURNOVER OF PROPERTY  
) Date: December 1, 2011  
) Time: 2:00 p.m.  
) Dept.: 2  
) Honorable Louise D Adler

NOTICE IS HEREBY GIVEN that on December 1, 2011, at 2:00 p.m., in Department Two (2) of the United States Bankruptcy Court, Southern District of California, 325 West "F" Street, San Diego, California, the Honorable Louise D. Adler, Bankruptcy Judge, presiding, a hearing will be held on the Trustee's Motion to Compel Cooperation and Turnover of Property.

This bankruptcy case was commenced on September 21, 2010, under Chapter 7 of the United States Bankruptcy Code. Ronald E. Stadtmueller, the chapter 7 Trustee (the "Trustee") was appointed as Trustee on or about the same date.

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The assets in this bankruptcy estate include the pre-petition portion of the debtor's 2010 Federal Tax Refund (total refund \$8,930.00) and a 2010 State Tax Refund (total refund \$3,292.00) in the combined amount of \$12,222.00 ("Tax Refunds"). The Debtor filed his petition for relief on September 21, 2010, the 264<sup>th</sup> day of the tax year. Thus the portion of the refund that is property of the estate is \$8,840.02 (\$8,930.00 Federal Refund plus \$3,292.00 State Refund times 264/365). The Debtor has turned over \$4,104.46 to the bankruptcy estate leaving a balance due in the amount of \$4,735.56. These Tax Refunds were due the Debtor at the time of his bankruptcy filing, and the Debtor has no available exemption in these Tax Refunds.

9 The Trustee has made numerous requests to have the Debtor turnover these Tax  
10 Refunds, but the Debtor has failed to comply with the Trustee's requests.

11 The Trustee's Motion requests an order compelling the Debtor to cooperate with the  
12 Trustee and immediately turnover the non-exempt remaining balance of the 2010 Federal and  
13 State Tax Refunds in the amount of \$4,735.56 to the bankruptcy estate.

14 Any opposition to this motion must be filed with the Bankruptcy Court and served on the  
15 undersigned no later than 14 days from the date this motion is served (there is an additional three (3)  
16 days allowed for service by mail). Failure to file an opposition will be deemed a consent to the motion.  
17 This motion is supported by this Notice of Motion and Motion, the Memorandum of Points and  
18 Authorities in Support, and the Declaration of Ronald E. Stadtmueller, together with all pleadings and  
19 court documents on file in this case. Any party wanting to obtain a copy of these documents may make  
20 a written request of the undersigned and a copy will be provided to you or you can obtain a copy from  
21 the clerk of the Bankruptcy Court, 325 West "F" Street, San Diego, California during the Court's  
22 business hours.

<sup>23</sup> Dated: October 20, 2011

By: Ronald E. Stadtmueller  
Ronald E. Stadtmueller  
Chapter 7 Trustee